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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 SETH SCHORR,

10 Plaintiff,

11 v.

12 WOLF PRINCIPAL HOLDINGS, LP d/b/a
13 FREMONT & 9TH APARTMENTS;
14 SCHINDLER ELEVATOR CORPORATION;
DOES I through X; and ROE BUSINESS
15 ENTITIES I through X, inclusive,

16 Defendants.
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CASE NO.: 2:22-cv-01806-MMD-VCF

**STIPULATION AND ORDER
REGARDING FRCP RULE 35
INDEPENDENT MEDICAL
EXAMINATION PARAMETERS**

Date: November 3, 2023

Time: 7:30 a.m.

Doctor: Daniel Lee

**Location: Desert Orthopedic Center
2800 E. Desert Inn Road, Suite 100
Las Vegas, NV 89121**

19 Plaintiff SETH SCHORR ("Plaintiff"), by and through his attorneys, NIA KILLEBREW,
20 ESQ., of the RICHARD HARRIS LAW FIRM, WOLFF PRINCIPAL HOLDINGS, LP d/b/a
21 FREMONT & 9TH APARTMENTS, by and through its attorneys, DAVID S. LEE, ESQ. and
22 HEATHER INGLE, ESQ., and SCHINDLER ELEVATOR CORPORATIONS, by and through
23 its attorneys of record, Jay J. Schuttert, Esq. and Alexandria L. Layton, Esq., hereby submit this
24 Stipulation and Order regarding FRCP Rule 35 Parameters:
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1. Dr. Lee will not require the plaintiff to sign any paperwork other than a “sign-in” sheet or authorization to perform the examination.
2. Dr. Lee will retain all handwritten notes, e-mails sent and received, and all documents generated or received, including draft reports, related to the examination.
3. Dr. Lee will produce a copy of his entire file upon request by plaintiff’s counsel, including any test materials/raw data.
4. Dr. Lee will not speak with or attempt to engage with any third party who may accompany the plaintiff/examinee to the examination.
5. Dr. Lee will accurately report his findings and test results.
6. All paperwork to be completed by Plaintiff shall be provided to Plaintiff’s counsel at least 48 hours prior to the examination and will be returned to defense counsel prior to the examination.
7. Neither Defendant’s counsel nor any other representatives will attend the examination.
8. The entirety of the examination shall not last longer than 90 minutes unless extraordinary circumstances are presented to Plaintiff counsel in writing — at least 48 hours in advance of the examination — that justify additional time. The timeframe commences upon check-in at Dr. Lee’s office and concludes upon exit from the premises.
9. Plaintiff shall not be required to wait in the waiting room for longer than 30 minutes before the commencement of the examination.
10. Liability questions may not be asked by Dr. Lee or any agent or representative of the examining physician.
11. No x-rays or radiographs may be obtained during the examination.
12. If Dr. Lee subjects Plaintiff to physically painful or intrusive procedures, Plaintiff reserves the right to immediately terminate the examination.
13. No invasive procedures are allowed.
14. Plaintiff shall not be required to disrobe during the examination. Plaintiff shall wear loose-fitting shorts or pants to the examination to prevent the need for disrobing.
15. Dr. Lee shall not engage in ex parte contact with Plaintiff’s treating health care providers.
16. Dr. Lee shall not discuss with Plaintiff his opinions regarding Plaintiff’s medical treatment or his/her review of any films or film reports reviewed by the physician.
17. If a dispute should arise between the parties regarding the foregoing Rule 35 Examination ground rules, motions shall be filed before the Federal Magistrate.
18. Defense counsel shall send correspondence in writing agreeing to the foregoing Rule 35 Examination ground rules before Plaintiff will stipulate to the examination.

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19. Jill Mineo, RN or another Registered Nurse from Parks Place Legal Nurse Consulting will be attending the examination with Mr. Seth Schorr and shall audio and/or video record the examination.

Dated this 25th day of September 2023.

Dated this 25th day of September 2023.

RICHARD HARRIS LAW FIRM

LEE, LANDRUM & INGLE

/s/Nia C. Killebrew

/s/David S. Lee

Nia C. Killebrew, Esq.
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WOLFF PRINCIPAL HOLDINGS, LP dba
FREMONT & 9TH APARTMENTS

Dated this 25th day of September 2023.


EVANS FEARS & SCHUTTERT LLP

/s/Alexandria L. Layton

Jay J. Schutttert, Esq.
Nevada Bar No. 8656
Alexandria L. Layton, Esq.
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Attorneys for Defendant
SCHINDLER ELEVATOR CORPORATION

IT IS SO ORDERED.

DATED this 25th day of September, 2023.



UNITED STATES MAGISTRATE JUDGE